REMARKS

This is a full and complete response to the Office action dated October 29, 2008. Favorable reconsideration of the claims is respectfully requested.

REGARDING THE CLAIMS:

Claims 8-21 are pending. No amendments are made with this reply.

IN RESPONSE TO THE OFFICE ACTION:

REJECTION UNDER 35 U.S.C. § 103:

In the Office Action, three groupings of claims, namely claims 8-12, 13-18, and 19-21 stand rejected under 35 USC §103(a) as being unpatentable over **De Keyzer** WO 02/057386 (herein after "**De Keyzer**"). Applicants respectfully traverse this rejection.

It is the Examiner's position that the block copolymers of **De Keyzer** each preferably have a weight average molecular weight ranging from 100,000 to 500,000. The Examiner states that not disclosed is the molecular weight of 124,000-145,000, however the experimental modification of the cited art in order to ascertain optimum operating conditions fails to render Applicant's claims patentable in the absence of unexpected results.

Applicants presented evidence of experimental results shown in the present application that demonstrate the criticality of the claimed molecular weight range and therefore overcome the Examiner's rejection. *See* MPEP 2144.05 III. However, the Examiner found that the evidence provided by Applicants' was not commensurate with in scope with the entire claimed range of the ingredients. The Examiner did not take exception to the claimed range of molecular weights which was the basis of Applicants' argument of unexpected results, but instead requires evidence showing the entire claimed range of the tackifying resin (250-300 parts by weight). The Examiner acknowledges that Applicants' have already provided evidence of 250 parts by weight in the examples provided in their previous response, but evidence of up to 300 parts by weight are required to cover the entire claimed range.

Applicants direct the Examiner's attention to Example 2 of the present application, provided below:

EXAMPLE 2

[0096] The viscosity of hot-melt adhesive compositions comprising the ingredients as specified hereafter was measured at different temperatures.

[0097] Each composition comprised:

[0098] 100 parts by weight of block copolymer,

[0099] 272 parts by weight of hydrocarbon resin REGALITE-7100,

[0100] 125 parts by weight of ONDINA 68 plasticizing oil,

[0101] 3 parts by weight of antioxidant IRGANOX 1010

TABLE 5

(Viscosities in Pa · s)

Temperature	D-1164	D-1165	A
110° C.	26.6	42.3	20.4
120° C.	11.32	13.7	9.45
130° C.	5.51	6.27	5.0
140° C.	3.22	3.38	3
150° C.	2.02	2.07	2
160° C.	1.33	1.38	1.38

In this example, the each of the compositions included the 272 parts by weight of the tackifying resin, REGALITE-7100. While this example does not compare compositions D-1155 and A (both having compositions within the claimed ranges) with composition B (having a composition outside the claimed range), the results shown in Example 2 are consistent with the results shown in Example 1 (discussed in Applicants' previous response) provided below for convenience:

EXAMPLE 1

[0091] Each composition comprised:

[0092] 100 parts by weight of block copolymer,

[0093] 250 parts by weight of REGALITE-1090 hydrocarbon resin,

[0094] 50 parts by weight of ONDINA 68 plasticizing oil,

[0095] 3 parts by weight of antioxidant (IRGANOX 1010).

TABLE 4

(Viscosities in Pa · s)

Temp.	D-1165	A	B°	C	D	E	F	G	H
130° C.	79.4	25.7	110	25	33.4	31	16.3	29.4	23.4
140° C.	20.7	10.2	26.6	11.1	14.7	12.8	6.9	11.4	10.7
150° C.	7.6	5.5	12	6.8	8.3	7.2	3.8	6	6.1
160° C.	3.6	3.6	8.2	4.4	5.3	4.6	2.4	3.6	4

°comparative block copolymer outside the present invention.

Comparing the results in Example 1 with those of Example 2, the results in Example 2 show even greater reduced viscosities at the same temperature ranges. In Experiment 1, composition A and D-1165 have viscosities of 25.7 and 79.4 Pa·s at 130 degrees Celsius respectively, while in Experiment 2, the same compositions mixed with 272 parts by weight of REGALITE-7100 having viscosities of 5.0 and 6.27 Pa·s at 130 degrees Celsius respectively. Thus, from the examples provided, a person of ordinary skill in the art would conclude that there is an advantage with the composition according to the present claims even with the increased amount of tackifying resin.

Not only does Examples 1-2 demonstrate that Applicants' evidence of unexpected results is commensurate with the scope of the claims for at least a range of 250-272 parts by weight of tackifying resin, but because "one of ordinary skill in the art would be able to determine a trend in the exemplified data which would allow the artisan to reasonably extend the probative value thereof" across the entire claimed range, Applicants submit that the entire claimed range is supported by the evidence provided. See MPEP 716.02(d)

I. NONOBVIOUSNESS OF A GENUS OR CLAIMED RANGE MAY BE SUPPORTED BY DATA SHOWING UNEXPECTED RESULTS OF A SPECIED OR NARROWER RANGE UNDER CERTAIN CIRCUMSTANCES.

Applicants further note that dependent claims 11-12 as well as claims 16-17 include the feature "from 250 to 280 parts by weight of hydrocarbon resin per 100 parts by weight of block copolymer." As the present application show a range of 250 parts by weight in Example 1 and 272 parts by weight in Example 2, Applicants respectfully submit that the ranges recited in the dependent claims are therefore also clearly supported by the examples in the application.

In summary, Applicants' presented compelling evidence of unexpected results in Applicants' previous response of July 17, 2008. In that response, Applicants demonstrated while **De Keyzer** discloses a broad weight average molecular weight range of 100,000-500,000 of the block copolymer, the present claims recite, inter alia, a molecular weight of 124,000 to 145,000 which produces unexpectedly superior results in view of the cited reference. Applicants noted that **De Keyzer** was specifically addressed in paragraph [0032] of the present Application. It was stated therein that the block copolymer F in **De Keyzer**, page 19, table 2 is actually the same as comparative block copolymer B in tables 2-4 in the present application and "which did not provide the presently claimed improved low hot-melt viscosity in adhesive compositions..." Polymer B shows a molecular weight of 153,000 which is outside the claimed range of 124,000-145,000 by only a small amount, while Polymers A and C-H have a molecular weight also within the claimed range. However, compositions A, and C-H show significantly improved properties over that of composition B. Therefore, as the experimental results in the Application discussed above would not be predictable to one of ordinary skill in the art, and furthermore such results demonstrate the criticality of the claimed range a person skilled in the art could in no way expect or predict these improved properties.

Further in this response Applicants demonstrate that the entire claimed composition is supported by the evidence of unexpected results given in the current application. In view of the above, Applicants submit that the claims are not obvious in

view of De Keyzer and request the rejections be withdrawn and a Notice of Allowance issue with respect to the currently pending claims.

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The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 8132.102.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

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